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DMB:KLM:all/2001V00151

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JAIME RIVERA,

Petitioner

v.

WARDEN, L.S.C.I. ALLENWOOD,

Respondent

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Civil No. 1:CV-01-0096

(Judge Caldwell)

(Magistrate Judge Blewitt)

FILED
HARRISBURG
FEB 20 2001
MARY E. D'ANDREA, CLERK
Per *[Signature]* DEPUTY CLERK

RESPONDENT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), respondent requests the Court to grant him a fourteen-day enlargement of time in which to file his response to the Court's show cause order. Respondent states the following in support thereof:

1. Petitioner, Jaime Rivera, is an inmate incarcerated at the Allenwood Low Security Correctional Institution at White Deer, Pennsylvania.

2. Petitioner filed the instant petition pursuant to 28 U.S.C. § 2241 and 2243. The Petition for Writ of Habeas Corpus raises the following claims:

- (1) The sentence is being executed in violation of the treaties of the United States;
- (2) The sentence is being executed in violation of the Fifth and Sixth Amendment to the Constitution of the United States;

- (3) The computation of sentence disregards the jury's determination in violation of legal principles articulated in Apprendi v. New Jersey, 120 S. Ct. 2348 (2000); and
- (4) The Bureau of Prison's Public Safety Factor classification should be waived.

3. By Order dated February 1, 2001, respondent was ordered to show cause on or before February 21, 2001, why petitioner should not be granted habeas corpus relief.

4. Respondent has requested from petitioner's counsel copies of petitioner's "Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. §2255," filed in the Eastern District of Pennsylvania and dated May 20, 1994; "Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §§2241 and 2243," filed in the Northern District of Ohio; and the District Court decisions on these two petitions. These documents have not yet been received by the respondent.

5. Additionally, within the next two weeks, the undersigned has to prepare approximately eleven briefs, including two Third Circuit briefs.

6. Thus, on behalf of respondent, the United States Attorney's Office requests an enlargement of time of fourteen days in which to respond to the show cause order.

7. Petitioner will not be unduly prejudiced by the requested enlargement of time as petitioner's projected release date, via good conduct time release, is October 11, 2012.

8. Counsel certifies that the offices of Cheryl Sturm, Esquire, were contacted on February 20, 2001, to seek concurrence with this motion. Concurrence was given on that date.

WHEREFORE, on behalf of respondents, the United States Attorney's Office requests a fourteen-day enlargement of time until March 7, 2001, in which to adequately respond to the allegations of the petition.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



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Dated: February 21, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JAIME RIVERA, :
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Petitioner : Civil No. 1:CV-01-0096
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v. :
 : (Judge Caldwell)
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on February 21, 2001, she served a copy of the attached

RESPONDENT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Cheryl J. Sturm
Attorney-at-Law
408 Ring Road
Chadds Ford, PA 19317


ANITA L. LIGHTNER
Paralegal Specialist